

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Applicant,**

**v.**

**MICHAEL J. HOOPER,**

**Respondent.**

**Case No. 2:16-MC-00022-MKD**

**CIVIL MINUTES**

**DATE: October 12, 2016**

**LOCATION: Yakima, WA**

**Show Cause Hearing**

**MAGISTRATE JUDGE  
Mary K. Dimke**

**Pam Howard  
Courtroom Deputy**

**Katie Bass  
Law Clerk**

**Lynette Walters  
Court Reporter**

**Robert Durham  
Susan LaMarca  
Plaintiff's Counsel**

**Alan McNeil  
Defendant's Counsel**

☒ **Open Court**      ☐ **Chambers**      ☐ **Teleconference**

Court addresses consent to magistrate issue. The Court order the parties to submit consent forms to the Clerk of the Court by October 19<sup>th</sup>.

Court colloquy with the parties regarding how to proceed.

Ms. LaMarca presents preliminary argument to enforce the administrative order issued in 1999.

Court colloquy with Ms. LaMarca clarifying the SEC's stance.

Ms. LaMarca continues SEC's argument.

Court colloquy with Ms. LaMarca regarding disgorgement issue.

Mr. McNeil presents rebuttal argument.

Mr. Hooper addressed the Court regarding disputed facts.

Court colloquy with Mr. McNeil regarding ECF #4 – who indicates the Court can treat as undisputed facts.

Mr. Hooper presents argument that he was not in violation of the SEC 1999 order.

Court colloquy with Mr. Hooper.

Court colloquy with Mr. McNeil regarding statute of limitations argument.

Mr. McNeil continues argument.

Court colloquy with Mr. McNeil and Mr. Hooper regarding the amount of disgorgement.

Court colloquy with Mr. McNeil regarding the pre-judgment interest. Mr. McNeil argues application of pre-judgment interest would be excessive and punitive.

Ms. LaMarca presents reply argument. Ms. LaMarca argues pre-judgment interest is not a punitive remedy.

**The Court ordered** as follows:

- Both parties may submit additional briefings on any of the issues within 7 days. Briefing shall not exceed 5 pages.

☒ **ORDER FORTH COMING**

**Convened: 9:04 a.m.**

**Adjourned: 9:59 a.m.**

**Time: 55 Mins.**